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## Central Valley Regional Water Quality Control Board

23 May 2025

Brian Baker  
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**NOTICE OF APPLICABILITY FOR COVERAGE UNDER GENERAL ORDER NO. R5-2020-0048, WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION OF THE WESTERN PLACER COUNTY HABITAT CONSERVATION PLAN PROGRAMMATIC GENERAL PERMIT, OPHIR STORAGE PROJECT (WDID#5A31CR00534-035), PLACER COUNTY**

On 16 April 2025, Ophir Road Storage, LLC (Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with Central Valley Regional Water Quality Control Board (Central Valley Water Board) General Order R5-2020-0048, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the Western Placer County Habitat Conservation Plan Programmatic General Permit.

The Central Valley Water Board has reviewed your enrollment materials and finds the Ophir Storage Project (Project) meets the eligibility requirements of, and is hereby enrolled under, General Order R5-2020-0048. You may proceed with your Project in accordance with the Order.

A copy of General Order R5-2020-0048 can be found on the [Central Valley Water Board's Adopted Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5a31cr00534.pdf) ([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/401\\_wq\\_certs/5a31cr00534.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5a31cr00534.pdf)).

Please familiarize yourself with the requirements of General Order R5-2020-0048. You are responsible for complying with all applicable Order requirements. Failure to comply with General Order R5-2020-0048 constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

**PROJECT DESCRIPTION:**

The 15.4-acre Project consists of developing a storage facility on three existing vacant lots. Approximately 0.163 acre of wetland and seasonal wetland habitat are present in the project area, and 0.135 acre of these aquatic features will be avoided. The Project will permanently impact 0.028 acre of seasonal wetland by grading the site in preparation for development.

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NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

**Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Seasonal Wetland	0.028	44	

**PROJECT TYPE:**

Commercial

**ADDITIONAL CONDITION:**

The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavations, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

**PROJECT LOCATION:**

The Project is located at 10391 and 10310 Ophir Road in Newcastle, CA.

Section 20, Township 12 North, Range 8 East, MDB&M

Latitude: 38.883060° N and Longitude: -121.110073° W

**PROJECT SCHEDULE:**

May 2025 through October 2025

**PUBLIC NOTICE**

The Central Valley Water Board provided public notice of the application from 25 April 2025 to 16 May 2025. The Central Valley Water Board did not receive any comments during the comment period.

**COMPENSATORY MITIGATION**

To mitigate for the loss of 0.028 acre of seasonal wetland habitat, the Permittee shall purchase a minimum of 0.04 seasonal wetland credits from the Western Placer County In-Lieu Fee Program for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of purchase of In-Lieu Fee Program credits to the Central Valley Water Board prior to commencing construction. At a minimum, compensatory mitigation must achieve a ratio of 1.5:1 for permanent impacts. Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of Certification.

**APPLICATION FEE RECEIVED:**

An application fee of \$ 4,212.00 was received on 7 May 2025. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3)

and 2200(a)(3), and was calculated as E – Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

**PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:**

The proposed Project will comply with all applicable measures identified within Master Conditions on Covered Activities Checklist, submitted with the application. The Applicant will implement the Avoidance and Minimization Measures (AMMs) and construction Best Management Practices (BMPs) outlined in the County Aquatic Resource Program (CARP) document, the Habitat Conservation Program/Natural Community Conservation Program (HCP/NCCP) document, and General Order No. 5 R5-2020-0048.

**PETITIONS FOR RECONSIDERATION**

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this NOA falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the Water Quality Petitions Page ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)) or will be provided upon request."

If you have any questions regarding this Notice of Applicability, please contact Nicholas Savino by phone at (916) 464-4920 or by email at [Nicholas.Savino@waterboards.ca.gov](mailto:Nicholas.Savino@waterboards.ca.gov).

*Original Signed by Anne Walters for:*  
Patrick Pulupa  
Executive Officer

cc: Distribution List, page 4

Enclosure: General Order R5-2020-0048, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the Western Placer County Habitat Conservation Plan Programmatic General Permit

Attachments: Figure 1 – Project Location  
Figure 2 – Aquatic Impacts  
Figure 3 – Project Design

**DISTRIBUTION LIST**  
**[Via email only]**

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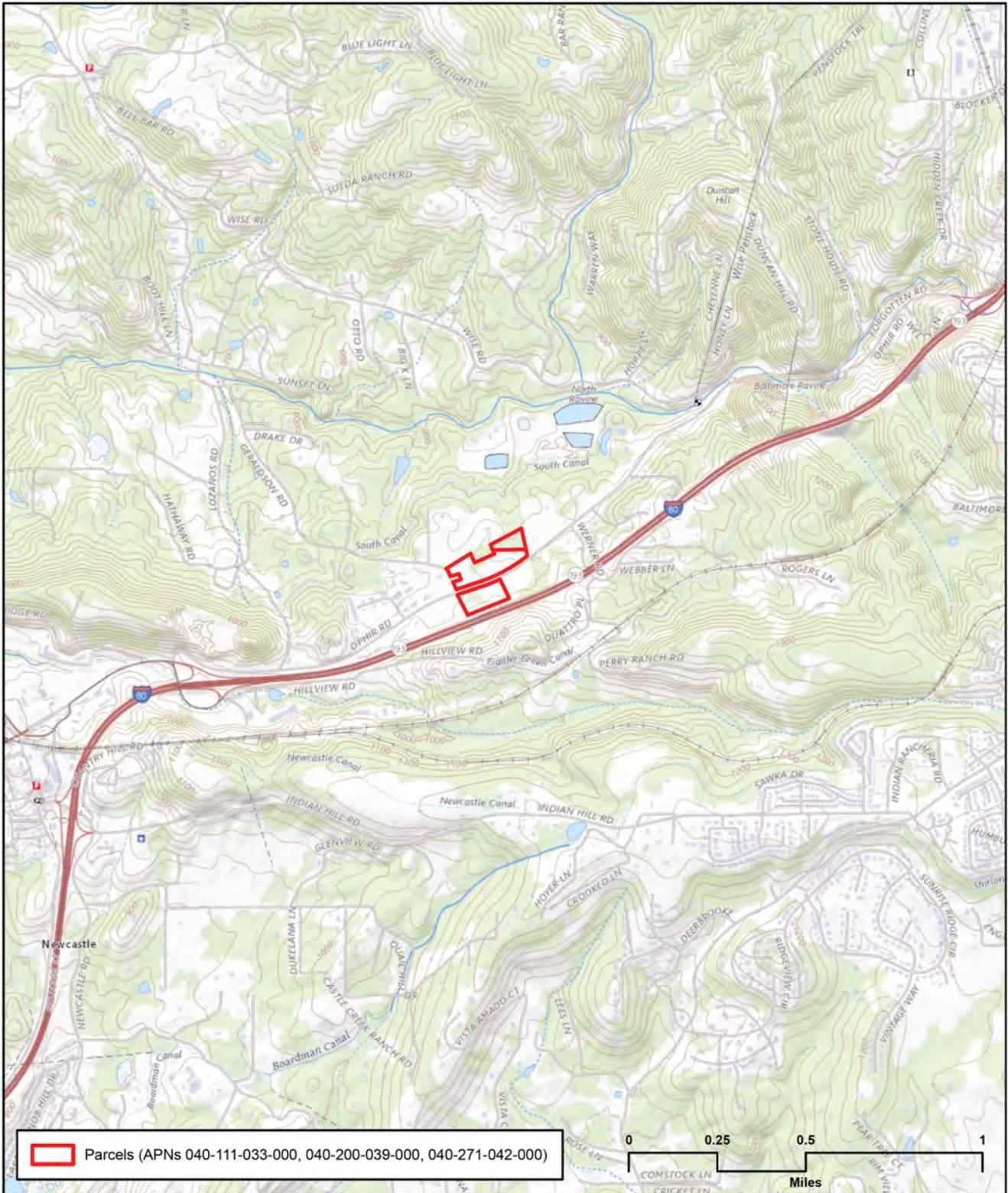
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Figure 1: Project Location



Source: USGS 7.5-Minute Topographic Quad Auburn, Pilot Hill, Gold Hill, Rocklin, Calaveras County, CA

# FIGURE 1 - VICINITY MAP

Date: October 01, 2022



Figure 2: Aquatic Resources



FIGURE 5 - FIELD-DELINEATED WETLANDS AND "OTHER WATERS OF THE U.S."

Date: March 21, 2023



SUNDANCE DEVELOPMENT GROUP, OPHIR ROAD • PLACER COUNTY, CA

Sources: Esri, DigitalGlobe, GeoEye, i-cubed, USDA FSA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community. Scale: 1:4,000, original map 8.5x11.

